

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Carole CHAIX-BAUVAIS et al.

Application No.: 10/501,347

Filed: October 13, 2004

Docket No.: 120402

For: BIFUNCTIONALIZED METALLOCENES, PREPARATION PROCESS AND USE IN
THE LABELING OF BIOLOGICAL MOLECULES

**TRANSMITTAL OF POWER OF ATTORNEY AND
STATEMENT UNDER 37 CFR § 3.73(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with 37 CFR §3.73(b), the undersigned hereby states that BIO MERIEUX is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the patent application identified above. A copy of the assignment is attached hereto.

The undersigned is authorized to act on behalf of the assignee.

**ALL CORRESPONDENCE IN CONNECTION WITH THIS APPLICATION SHOULD
BE SENT TO OLIFF & BERRIDGE, PLC, CUSTOMER NO. 25944, TELEPHONE
(703) 836-6400.**

Respectfully submitted,



Eric D. Morehouse
Registration No. 38,565

WPB:EDM/mllo

Date: October 13, 2004

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Assignee Name and Address: BioMérieux

Chemin de l'Orme

69280 MARCY L'ETOILE - FRANCE

appoints the patent practitioners associated with Oliff & Berridge, PLC, Customer Number 25944 to represent before the United States Patent and Trademark Office (USPTO) in connection with any and all U.S. patent applications assigned to the above-named assignee.

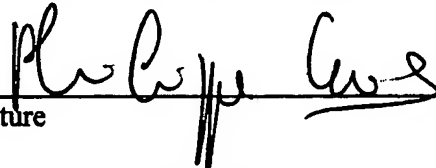
The undersigned is authorized to act on behalf of the assignee.

**ALL CORRESPONDENCE IN CONNECTION WITH THIS APPLICATION
SHOULD BE SENT TO OLIFF & BERRIDGE, PLC, TELEPHONE (703) 836-6400,
CUSTOMER NO. 25944.**

Date

23 June 2004

Signature



Typed Name: CROS Philippe

Title: Corporate Manager of Industrial
Property

ASSIGNMENT

BEST AVAILABLE COPY

- | | | |
|-------------------------------------|------------------------------------|-----------------------------|
| (1-8) Insert Name(s) of Inventor(s) | (1) <u>Carole CHAIX-BAUVAIS</u> | (5) <u>Francis GARNIER</u> |
| | (2) <u>Corinne MOUSTROU</u> | (6) <u>Bernard MANDRAND</u> |
| | (3) <u>Aude-Emmanuelle NAVARRO</u> | (7) <u>Nicolas SPINELLI</u> |
| | (4) <u>Hugues BRISSET</u> | (8) _____ |

In consideration of the sum of one dollar (\$1.00) and other good and valuable consideration paid to each of the undersigned, each undersigned agrees to assign, and hereby does assign, transfer and set over to

- | | |
|--|--|
| (9) Insert Name of Assignee
(10) Insert Address of Assignee | (9) <u>BIO MERIEUX</u> |
| | (10) <u>Chemin de l'Orme 69280 MARCY L'ETOILE FRANCE</u> |

(hereinafter designated as the Assignee) and Assignee's heirs, successors, assigns and legal representatives, the entire right, title and interest for the United States of America as defined in 35 U.S.C. §100, in the invention, and in all applications for patent including any and all provisional, non-provisional, divisional, continuation, international, confirmation, substitute and reissue application(s), and all Letters Patent, extensions, reissues and reexamination certificates that may be granted on the invention known as

- | | |
|--|--|
| (11) Insert Identification such as Title, Case Number, or Foreign Application Number | (11) <u>BIFUNCTIONALIZED METALLOCENES, PREPARATION PROCESS AND USE IN THE LABELING OF BIOLOGICAL MOLECULES</u> |
| | (Attorney Docket No. <u>120402</u>) |

for which the undersigned has (have) executed an application for patent in the United States of America on even date herewith or

- | | |
|--|--|
| (12) Insert Date of Signing of Application | (12) on <u>August 24, 2004; September 1, 2004; September 6, 2004; September 13, 2004; September 25, 2004 & October 4, 2004</u> |
| | (13) U.S. application Serial Number <u>10/501,347</u>
filed <u>October 13, 2004</u> |

1) Each undersigned agrees to execute all papers necessary in connection with any application and any continuing, divisional or reissue applications for the invention, and any patent(s) issuing thereon, and also to execute separate assignments in connection with such applications and patents as the Assignee may deem necessary.

2) Each undersigned agrees to execute all papers necessary in connection with any interference which may be declared concerning any application or continuation or division thereof, or any patent or reissue application based thereon, for the invention, and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

3) Each undersigned agrees to execute all papers and documents and perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property or similar agreements.

4) Each undersigned agrees to perform all affirmative acts which may be necessary to obtain, maintain or confirm by reissue or reexamination a grant of a valid United States patent to the Assignee.

5) Each undersigned authorizes and requests the Commissioner of the U.S. Patent and Trademark Office to issue any and all Letters Patents of the United States resulting from said application(s) to the said Assignee, as Assignee of the entire interest, and covenants that he has full right to convey the entire interest herein assigned, and that he has not executed, and will not execute, any agreements in conflict herewith, and agrees that this assignment is binding on him and his heirs, successors, assigns and legal representatives.

6) Each undersigned hereby grants the firm of OLIFF & BERRIDGE, PLC the power to insert on this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

In witness whereof, executed by the undersigned on the date(s) opposite the undersigned name(s).

Date <u>08-24-2004</u>	Inventor Signature <u>Carole Chaix-Bauvais</u> (SEAL)
Date <u>09-06-2004</u>	Inventor Signature <u>Corinne Moustrou</u> (SEAL)
Date <u>09-25-2004</u>	Inventor Signature <u>Hugues Brisset</u> (SEAL)
Date <u>10-04-2004</u>	Inventor Signature <u>Aude-Emmanuelle Navarro</u> (SEAL)
Date <u>09-13-2004</u>	Inventor Signature <u>F. Garnier</u> (SEAL)
Date <u>08-24-2004</u>	Inventor Signature <u>Bernard E. Mandrand</u> (SEAL)
Date <u>09-01-2004</u>	Inventor Signature <u>Nicolas Spinelli</u> (SEAL)
Date _____	Inventor Signature _____ (SEAL)

This assignment should preferably be signed before: (a) a Notary Public if within the U.S.A. (b) a U.S. Consul if outside the U.S.A. If neither, then it should be signed before at least two witnesses who also sign here:

Date _____	Witness _____
Date _____	Witness _____

DECLARATION UNDER 35 USC §371(c)(4) FOR PCT APPLICATION FOR UNITED STATES PATENT

As a below named inventor, I hereby declare that;

My residence, post office address and citizenship are as stated below under my name;

I verily believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought, namely the invention entitled: BIFUNCTIONALIZED METALLOCENES, PREPARATION PROCESS AND USE IN THE LABELING OF BIOLOGICAL MOLECULES

described and claimed in international application number PCT/FR03/00484 filed February 14, 2003.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

Under Title 35, U.S. Code §119, the priority benefits of the following foreign application(s) filed by me or my legal representatives or assigns within one year prior to my international application are hereby claimed:

French Application No. 02.01858 filed on February 14, 2002

The following application(s) for patent or inventor's certificate on this invention were filed in countries foreign to the United States of America either (a) more than one year prior to my international application, or (b) before the filing date of the above-named foreign priority application(s):

ALL CORRESPONDENCE IN CONNECTION WITH THIS APPLICATION SHOULD BE SENT TO OLIFF & BERRIDGE, PLC, CUSTOMER NUMBER 25944, TELEPHONE (703) 836-6400.

I hereby declare that I have reviewed and understand the contents of this Declaration, and that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1	Typewritten Full Name	<u>CHAIX-BAUVAIS</u>		
1 - ∞	of Sole or First Inventor:	<u>Carole</u>		
		Given Name	Middle Initial	Family Name
2	Inventor's Signature:	<u>Carole Chaux</u>		
3	Date of Signature:	<u>08</u>	<u>24</u>	<u>2004</u>
		Month	Day	Year
	Residence:	<u>Chaponnay</u>	<u>FRX</u>	<u>FRANCE</u>
		City	State or Province	Country
	Citizenship:	<u>France</u>		
	Post Office Address:	<u>Chemin de Tholome</u>		
	(Insert complete mailing address, including country)	<u>69970 Chaponnay FRANCE</u>		

Note to Inventor: Please sign name on line 2 exactly as it appears in line 1 and insert the actual date of signing on line 3.

IF THERE IS MORE THAN ONE INVENTOR USE PAGE 2 AND PLACE AN "X" HERE ☒
(Discard this page in a sole inventor application)

1 **Typewritten Full Name of Joint Inventor:** Corinne MOUSTROU
 2 - 00 Corinne Moustrou MOUSTROU
 2 **Inventor's Signature:** Corinne Moustrou
 3 **Date of Signature:** 09 06 2004
 Month Day Year
 Residence: Marseille FRX FRANCE
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 Citizenship: France
 Post Office Address: 8 Square des Freres Ambrogiani Bat. B, Eastern Prado
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1 **Typewritten Full Name of Joint Inventor:** Aude-Emmanuelle NAVARRO
 3 - 00 Aude-Emmanuelle NAVARRO
 2 **Inventor's Signature:** Aude-Emmanuelle
 3 **Date of Signature:** 10 04 2004
 Month Day Year
 Residence: Marseille FRX FRANCE
 City State or Province Country
 Citizenship: France
 Post Office Address: 26 rue Pierre Laurent 8Bis Hameau de Couzoued
 (Insert complete mailing address, including country) 13006 Marseille FRANCE 84100 ORANGE

1 **Typewritten Full Name of Joint Inventor:** Hugues BRISSET
 4 - 00 Hugues BRISSET
 2 **Inventor's Signature:** Hugues
 3 **Date of Signature:** 09 25 2004
 Month Day Year
 Residence: Saint Cyr Sur Mer FRX FRANCE
 City State or Province Country
 Citizenship: France
 Post Office Address: 179 allée Sainte-Lucie Le plan de la Mer
 (Insert complete mailing address, including country) 83270 Saint Cyr Sur Mer FRANCE

1 **Typewritten Full Name of Joint Inventor:** Francis GARNIER
 5 - 00 Francis GARNIER
 2 **Inventor's Signature:** Francis
 3 **Date of Signature:** 09 13 2004
 Month Day Year
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 City State or Province Country
 Citizenship: France
 Post Office Address: 17 Villa Remy
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1 **Typewritten Full Name**
 6 - 00 **of Joint Inventor:** Bernard MANDRAND
 2 **Inventor's Signature:** Bernard CF Mandrand
 3 **Date of Signature:** 08 24 2004
 Month Day Year
 Residence: Villeurbanne FR X FRANCE
 City State or Province Country
 Citizenship: France
 Post Office Address: 21 rue de la Doua
 (Insert complete mailing address, including country) 69100 Villeurbanne FRANCE

1 **Typewritten Full Name**
 7 - 00 **of Joint Inventor:** Nicolas SPINELLI
 2 **Inventor's Signature:** Nicolas Spinelli
 3 **Date of Signature:** 09 01 2004
 Month Day Year
 Residence: Lyon FR X FRANCE
 City State or Province Country
 Citizenship: France
 Post Office Address: Residence Louise Labé, appt 206 11 rue Montesquieu 118, cours Gambetta
 (Insert complete mailing address, including country) 69007 Lyon FRANCE

Note to Inventor: Please sign name on line 2 exactly as it appears in line 1 and insert the actual date of signing on line 3.

This form may be executed only when attached to the first page of the Declaration and Power of Attorney of the application to which it pertains.